

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**DOMINGO RIVERA and
JESUS GONZALEZ,**

Defendants.

8:16CR64

ORDER

This matter is before the court on the motion to continue by defendant Domingo Rivera (Sams) (Filing No. 39). Rivera seeks a continuance of the trial scheduled for October 11, 2016. Rivera's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **Trial will be continued as to both defendants.**

IT IS ORDERED:

1. Rivera's motion to continue trial (Filing No. 39) is granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **November 14, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 4, 2016, and November 14, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 4th day of October, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge